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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	11321-P012USD13
First Inventor	Richard E. Smalley
Title	COMPOSITIONS AND ARTICLES OF MANUFACTURE
Express Mail Label No.	EL 823 269 075 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 98]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 21]
- Oath or Declaration [Total Pages ]
  - ☐ Newly executed (original or copy)
  - ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Prelim. Exam. Report; .....  
Two Substitute. POAs .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No 09, 380,545

Prior application information.

Examiner: S. Hendrickson

Group Art Unit. 1754

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)		or	<input checked="" type="checkbox"/> Correspondence address below
Name	Ross Spencer Garsson			
Address	100 Congress Avenue Suite 800			
City	Austin	State	TX	Zip Code 78701
Country	USA	Telephone	512-370-2870	Fax 512-370-2850

Name (Print/Type)	Ross Spencer Garsson	Registration No. (Attorney/Agent)	38,150
Signature		Date	12/28/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

## Complete if Known

Application Number	Unassigned
Filing Date	December 28, 2001
First Named Inventor	Richard E. Smalley
Examiner Name	Unassigned
Group Art Unit	Unassigned
Attorney Docket No.	11321-P012USD13

TOTAL AMOUNT OF PAYMENT (\$ ) 1243.00

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **23-2426**  
Deposit Account Name **Winstead Sechrest & Minick**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	370.00
106 330	206 165	Design filing fee	0.00
107 510	207 255	Plant filing fee	0.00
108 740	208 370	Reissue filing fee	0.00
114 160	214 80	Provisional filing fee	0.00

SUBTOTAL (1) (\$ ) 370.00

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
33	-20** = 13	X 9.00	= 117.00
Independent Claims	21	-3** = 18	X 42.00 = 756.00
Multiple Dependent		280.00	= 0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 873.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

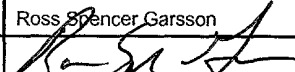
### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	0.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	0.00
139 130	139 130	Non-English specification	0.00
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	0.00
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	0.00
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	0.00
115 110	215 55	Extension for reply within first month	0.00
116 400	216 200	Extension for reply within second month	0.00
117 920	217 460	Extension for reply within third month	0.00
118 1,440	218 720	Extension for reply within fourth month	0.00
128 1,960	228 980	Extension for reply within fifth month	0.00
119 320	219 160	Notice of Appeal	0.00
120 320	220 160	Filing a brief in support of an appeal	0.00
121 280	221 140	Request for oral hearing	0.00
138 1,510	138 1,510	Petition to institute a public use proceeding	0.00
140 110	240 55	Petition to revive - unavoidable	0.00
141 1,280	241 640	Petition to revive - unintentional	0.00
142 1,280	242 640	Utility issue fee (or reissue)	0.00
143 460	243 230	Design issue fee	0.00
144 620	244 310	Plant issue fee	0.00
122 130	122 130	Petitions to the Commissioner	0.00
123 50	123 50	Processing fee under 37 CFR 1.17(q)	0.00
126 180	126 180	Submission of Information Disclosure Stmt	0.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	0.00
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
179 740	279 370	Request for Continued Examination (RCE)	0.00
169 900	169 900	Request for expedited examination of a design application	0.00
Other fee (specify) N/A			0.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

## SUBMITTED BY

Name (Print/Type)	Ross Spencer Garsson	Registration No. (Attorney/Agent)	38,150	Telephone	512-370-2870
Signature		Date	12/28/2001		

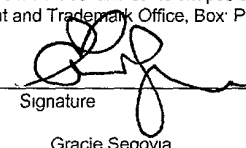
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Serial No:	To Be Assigned
Richard E. Smalley et al.	§		(division of application
	§		Serial No. 09/380,545)
For: CARBON FIBERS FORMED FROM	§		
SINGLE-WALL CARBON	§	Filed: HEREWITH	
NANOTUBES	§		
	§	Group Art Unit: 1754 (anticipated)	
	§		
Atty Dkt: 11321-P012USD13	§	Prior Examiner: Stuart Henderson	
	§	703.308.2539	

U.S. Patent and Trademark Office  
 BOX: PATENT APPLICATION  
 Washington, D.C. 20231

"EXPRESS MAIL" MAILING LABEL	
Number: <u>EL 823 269 075 US</u>	
Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to the U.S. Patent and Trademark Office, Box: Patent Application, Washington, D.C. 20231.	
<u>December 28, 2001</u>	
Date	Signature
	<u>Gracie Segovia</u>
	Printed Name

**REQUEST FOR FILING DIVISIONAL APPLICATION**  
**UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. Each of the foregoing

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

applications is commonly assigned to the assignee of the present invention and is hereby incorporated herein by reference in its entirety.

- ☒ 1. Enclosed is a copy of the co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. The undersigned hereby incorporates co-pending prior patent application Serial No. 09/380,545, International Application Number PCT/US98/04513, provisional application Serial No. 60/067,325, provisional application Serial No. 60/064,531, provisional application Serial No. 60/063,675, provisional application Serial No. 60/055,037, provisional application Serial No. 60/047,854, and provisional application Serial No. 60/040,152, herein by reference and verifies that the enclosed papers are a copy of the co-pending prior patent application Serial No. 09/380,545 as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

- (a) ☒ The inventorship is the same as co-pending prior patent application Serial No. 09/380,545.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) ☐ Priority of foreign patent application number \_\_\_\_\_, filed \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:   
☐ is enclosed.   
☐ has been filed in the prior Application Serial No. \_\_\_\_\_.

- ☐ 2. The Assistant Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).
- ☒ 3. Enclosed is a check in the amount of \$1243.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

**CLAIMS FOLLOWING ENTRY OF PRELIMINARY AMENDMENT**

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$370.00
Total Claims	33 - 20 =	13 ×	\$9 =	\$117.00
Independent Claims	21 - 3 =	18 ×	\$42 =	\$756.00
Multiple Dependent Claim(s) -----				\$00.00
<b>TOTAL FILING FEES:</b>				<b>\$1243.00</b>

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required for any reason relating to this application, or credit any overpayment, to Winstead Sechrest & Minick Deposit Account No. 23-2426 referencing 11321-P012USD13.
- ☐ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:
- Ross Spencer Garsson  
WINSTEAD SECHREST & MINICK P.C.  
100 Congress Avenue  
Suite 800  
Austin, Texas 78701  
(512) 370-2870 (voice)  
(512) 370-2850 (fax)
- ☒ 8. The prior application is presently assigned to William Marsh Rice University.
- ☒ 9. Enclosed is a Preliminary Amendment. Any additional fees incurred because of the Preliminary Amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the Preliminary Amendment.
- ☒ 10. Cancel in this application claims 1-162 of the prior application before calculating the filing fee.

IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

- ☒ 11. This application is a division of co-pending prior application Serial No. 09/380,545, filed on September 3, 1999, entitled "CARBON FIBERS FORMED FROM SINGLE-WALL CARBON NANOTUBES," which is the 35 U.S.C. § 371 national application of International Application Number PCT/US98/04513 filed on March 6, 1998, which designated the United States, claiming priority to: provisional U.S. patent application Serial Number 60/067,325, filed on December 5, 1997; provisional U.S. patent application Serial Number 60/064,531, filed on November 5, 1997; provisional U.S. patent application Serial Number 60/063,675, filed on October 29, 1997; provisional U.S. patent application Serial Number 60/055,037, filed on August 8, 1997; provisional U.S. patent application Serial Number 60/047,854, filed on May 29, 1997; and provisional U.S. patent application Serial Number 60/040,152, filed on March 7, 1997. Each of the foregoing applications is commonly assigned to the assignee of the present invention and is hereby incorporated herein by reference in its entirety.

This application discloses subject matter related to the subject matter of U.S. patent application Serial Number 10/000,746, filed on November 30, 2001, in the name of Daniel T. Colbert et al., entitled "MACROSCOPICALLY MANIPULABLE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES," which application is commonly assigned to the assignee of the present invention.

- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO/SB/08A.
- ☐ (b) Copies of IDS citations.
- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, for use in this

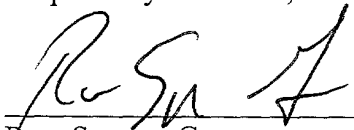
IN RE: APPLICATION OF SMALLEY ET AL.  
REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No.        filed        . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.

- ☐ 15. Other: \_\_\_\_\_.
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Date: December 28, 2001

Respectfully submitted,



Ross Spencer Garsson  
Reg. No. 38,150  
Winstead Sechrest & Minick P.C.  
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Suite 800  
Austin, Texas 78701  
(512) 370-2870 (voice)  
(512) 370-2850 (fax)

ATTORNEYS FOR ASSIGNEE

AUSTIN\_1\180602\1  
12/28/2001 - 11321-P012USD13